REMARKS

Claims 1–9 are pending.

Claims 1-9 stand rejected under 35 U.S.C. 102(e) as being anticipated by *Bullman et al.* (US Patent 6,928,057), herein referred to as *Bullman*.

I.   INFORMATION DISCLOSURE STATEMENT

The Examiner did not accept the previous listing of references in the Search Report and did not consider these references. An information disclosure statement (IDS) in compliance with 37 C.F.R. §1.98 is submitted along with this paper. The Examiner is respectfully requested to enter the IDS and consider the references therein accordingly.

II. OBJECTIONS TO THE DRAWINGS

The Examiner has objected to Figure 1 for not being designated as prior art. A replacement sheet of drawing 1/4 containing Figure 1 designated as prior art by a legend is enclosed with this paper.

III. CLAIM OBJECTIONS

Claims 5 and 8 have been objected to for informalities. In particular, in claims 5 and 8 step (e) was erroneously terminated with a period "." instead of a semicolon ";" as required. The Examiner is requested to enter the claim amendments in this paper, which correct these errors, and withdraw her objections to claims 5 and 8.

II.   CLAIM REJECTIONS UNDER 35 U.S.C. §102(e)

The Examiner has rejected claims 1-9 under 35 U.S.C. §102(e) as being anticipated by *Bullman.* Applicants respectfully traverse these rejections for at least the reasons stated below and respectfully request the Examiner to reconsider and withdraw these rejections.

For a claim to be anticipated under 35 U.S.C. §102, each and every claim limitation must be found within the cited prior art reference and arranged as required by the claim. M.P.E.P. §2131.

Applicants respectfully assert that *Bullman* does not anticipate claims 1-9, for at least the reason that the patent clearly teaches away from the method of the present invention. Firstly, *Bullman* does not disclose "computing a MSE for the frame by the PHY," as in claims 1, 5, 8, and 9, emphasis added. *Bullman* is silent regarding the computation of the MSE and does not disclose an MSE computed by the PHY layer.

Further, *Bullman* does not disclose "inserting the MSE into a frame status frame (FSF) associated with the frame by the MAC" as in claims 1, 5, 8, and 9, emphasis added, and as in Fig. 3, element 318, and as in Fig. 4, element 408. Instead, *Bullman* clearly teaches away from modifying the MAC layer for transmitting MSE and teaches only embodiments that leave the MAC layer essentially unchanged.

> The present invention introduces, in one aspect, a translation system that allows the physical and data link layer systems to communicate without substantially modifying the MAC layer subsystem. *Bullman*, col. 1, line 35-38, emphasis added. ...
>
> Standardizing the passing of information, such as QoS signaling and other information, involves modifying, perhaps significantly, interposing layers of the system stack to allow the passing of the information from the physical layer system to, e.g., the data link layer system, the network layer system, or others. Modification of various layers of network protocol stacks, however, may in turn create further problems or concerns.
> To illustrate an example of the above problems or concerns, for a particular application, substantial time and effort has been invested to optimize various layers or sub-layers of their system protocol stacks. For instance, the drivers associated with a MAC layer subsystem of the data link layer system are often designed for a particular application. Modification of the MAC layer subsystem may adversely effect other network programs and applications.

Therefore, it would be advantageous to be able to employ the current MAC layer subsystem driver despite variations in the physical layer system. *Bullman*, col. 1, line 58 to col. 2, line 9, emphasis added. ...

In one advantageous embodiment, the passing of the piggyback packet within the translation system 300 can occur without necessitating a substantial modification of the MAC layer subsystem 328. The piggyback packet passes through the MAC layer subsystem 328 of the data link layer system 320 without substantial modification thereto, advantageously analogous to the transmission of a data packet. This may be advantageous in, among other things, that the user may have a high degree of confidence in the integrity of the MAC layer subsystem 328. *Bullman*, col. 6, line 25-35, emphasis added. ...

Turning now to FIG. 4, illustrated is an exemplary block diagram of a piggyback packet constructed in accordance with the principles of the present invention. The piggyback packet advantageously allows characteristics associated with the physical layer system to be passed up to the data link layer system without substantially modifying the MAC layer system. *Bullman*, col. 7, line 3-9, emphasis added.

There is no language in *Bullman* disclosing or suggesting a MAC that inserts MSE into a FSF. The method of *Bullman* relies upon an additional physical translation system comprising a generator and a translator. *See Bullman*, col. 2, lines 16-21, Fig. 3, elements 334, 335. The generator of Bullman is embodied in the PHY layer. *See Bullman*, col. 3, lines 3-6, col. 6, lines 59-61, Fig. 3, elements 330, 335 Thus, *Bullman* does not disclose all of the limitations of claims 1, 5, 8, and 9 and thus *Bullman* does not anticipate claims 1, 5, 8, and 9. M.P.E.P. §2131.

Regarding claims 2-4 and 6-7, these claims are allowable for at least the aforementioned reasons presented in support of claims 1 and 5. Thus, *Bullman* does not disclose all of the limitations of claims 2-4 and 6-7 and thus *Bullman* does not anticipate claims 2-4 and 6-7. M.P.E.P. § 2131.
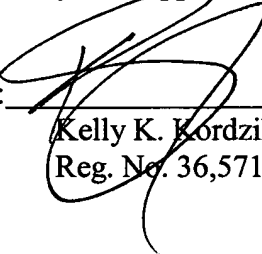
II.   CONCLUSION

As a result of the foregoing, it is asserted by Applicant that claims 1-9 in the Application are in condition for allowance, and Applicant respectfully requests an allowance of such claims. Applicant respectfully requests that the Examiner call Applicant's attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining issues.

Respectfully submitted,

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IN THE DRAWINGS

The Examiner is respectfully requested to accept the Replacement Sheet that contains Figure 1 labeled as prior art and withdraw the objection to the drawings. Enclosed with this paper is a replacement for page 1/4 containing Figure 1.